

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**CRIMINAL NO. 3:05CR277-26**

**UNITED STATES OF AMERICA** )

)

)

**VS.**

)

**ORDER**

)

)

**FRANK BINDER** )

)

)

**THIS MATTER** is before the Court on Defendant's motion for a continuance from the November 2005 term.

The Court finds for the reasons stated in the Defendant's motion and upon a showing that Defendant's counsel has not had sufficient time within which to adequately prepare a defense in this case, taking into account the exercise of due diligence. **18 U.S.C. § 3161(h)(8)(B)(iv)**. Additionally, the Defendant's case "is joined for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted." **18 U.S.C. § 3161(h)(7)**. The Court further finds that the ends of justice served by taking such action as requested by the Defendant outweigh the best interest of the public and the Defendant to a speedy trial.

**IT IS, THEREFORE, ORDERED** that the Defendant's motion for continuance is **ALLOWED** and this case is hereby continued from the November 2005 term in the Asheville Division.

**IT IS FURTHER ORDERED** that this case be calendared for trial during the Court's January 30, 2006, term in the Statesville Division.

The Defendant and the Government are placed on notice that the Court will not grant any additional continuances of this matter.

**Signed: November 5, 2005**

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

